

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT SEATTLE**

10 UNITED STATES OF AMERICA,

NO. MJ10-498

11 Plaintiff,

12 v.

DETENTION ORDER

13 LIAN YANG,

14 Defendant.

15 Offense charged:

16 Conspiracy to Violate the Arms Export Control Act, in violation of 18 U.S.C. § 371

17 Date of Detention Hearing: December 13, 2010.

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
19 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
20 the following:

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 1. Defendant is charged with serious criminal conduct constituting threats against  
23 the United States involving sales of highly sensitive technology with military applications to  
24 agents of a foreign government.

1           2.       The evidence against the defendant, although the least significant factor, is very  
2 strong. Defendant's actions were subjects of email exchanges, recorded conversation and post-  
3 arrest confession.

4           3.       Evidence of defendant's actions reflect a high degree of sophistication and  
5 planning, making pretrial supervision much more difficult.

6           4.       Defendant has engaged in a pattern of deception, which makes pretrial  
7 supervision more difficult. The pattern of deception includes the sophisticated planning, lying  
8 to federal authorities, structuring cash transactions, creating false documentation, and forming  
9 a front company.

10          5.       Defendant has friends and family in China, which has no extradition treaty with  
11 the United States. He also has family and friends in Canada.

12          6.       Defendant has had access to large amounts of cash.

13          7.       Defendant was warned about the need to comply with the Arms Export Control  
14 Act by Customs and Border Protection ("CBP") in July 2011, before the incident for which he  
15 was arrested. This indicates an inability or unwillingness to comply.

16          8.       There are no conditions or combination of conditions other than detention that  
17 will reasonably assure the appearance of defendant as required or ensure the safety of the  
18 community.

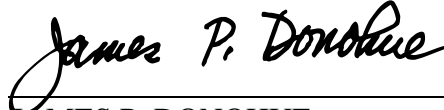
19           IT IS THEREFORE ORDERED:

20          (1)       Defendant shall be detained and shall be committed to the custody of the  
21                    Attorney General for confinement in a correction facility separate, to the extent  
22                    practicable, from persons awaiting or serving sentences or being held in custody  
23                    pending appeal;

24          (2)       Defendant shall be afforded reasonable opportunity for private consultation with  
25                    counsel;

- 1 (3) On order of a court of the United States or on request of an attorney for the  
2 government, the person in charge of the corrections facility in which defendant  
3 is confined shall deliver the defendant to a United States Marshal for the  
4 purpose of an appearance in connection with a court proceeding; and  
5 (4) The Clerk shall direct copies of this Order to counsel for the United States, to  
6 counsel for the defendant, to the United States Marshal, and to the United States  
7 Pretrial Services Officer.

8 DATED this 14th day of December, 2010.

9  
10   
11 JAMES P. DONOHUE  
12 United States Magistrate Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26